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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP: AMENDMENT
Suman Preet Singh Khanuja et al.)	
Application No.: 10/822,790)	Group Art Unit: 1655
Filed: April 13, 2004)	Examiner: MICHAEL V MELLER
For: USE OF BIOACTIVE FRACTION FROM)	Confirmation No.: 3252
COW URINE DISTILLATE ('GO-)	
MUTRA') AS A BIO-ENHANCER OF)	
ANTI-INFECTIVE, ANTI-CANCER)	
AGENTS AND NUTRIENTS)	

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Requirement for Restriction/Election issued September 26, 2006, Applicants hereby elect with traverse, the subject matter of Group I, (Claims 36-39, directed to a process for preparing (Gm-IV) from cow urine distillate).

Reconsideration of the Requirement for Restriction is respectfully requested in light of the following remarks.

For proper restriction between patentably distinct inventions: (1) the inventions must be independent of distinct as claimed; and (2) there must be a serious burden on the Examiner if restriction is not required. See M.P.E.P. § 803.

The Examiner takes the position that:

Inventions I, III and IV are related as process of making and product made. . . In the instant case the product can be made in a materially distinct process such as genetic engineering.

Inventions III, IV, II and V are related as product and process of use. . . In the instant case the products can be used in materially distinct process such as treating a wound. (See Official Action at pages 2-3.)

The Requirement for Restriction should be withdrawn because it is believed that search and examination of the subject matter of Groups I-V would be substantially coextensive. For example, Group I is directed to a process for preparing (Gm IV) from cow urine distillate, Group II is directed to enhancing the activity of at least one of a nutraceutical, an antibiotic, an anti-infective and an anti-cancer agent comprising combining cow urine distillate with at least one of a nutraceutical, an antibiotic, an anti-infective and an anti-cancer agent, Group III is directed to a lyophilized bioactive product obtained from cow urine distillate, Group IV is directed to a pharmaceutical composition comprising an amount of the lyophilized bioactive cow urine distillate product of Group III, and Group V is directed to a method for eliciting a bioactive response in an individual subject in need of such treatment comprising administering thereto a pharmaceutical composition comprising an amount of cow urine distillate. Applicants submit that it is likely that the results of a search of the claims of Group I would produce references that disclose both methods of preparing (Gm IV) from cow urine distillate as well as methods, products and/or compositions that include the same. Thus, Applicants submit that search and examination of the subject matter of Group I would likely encompass a search for the subject matter for Groups II - V, and any additional search would not impose a serious burden on the Examiner.

For at least all of these reasons, Applicants respectfully request withdrawal of the Requirement for Restriction.

In response to the Election of Species Requirement, Applicants hereby elect the antibiotic, rifampicin. This election is made with traverse.

In further response to the Election of Species Requirement, Applicants respectfully submit that at least Claims 40, 47, 48 and 49 are generic to the elected

species. Furthermore, Applicants respectfully assert that at least Claims 40, 44, 47, 48 and 49 read on the elected species.

Applicants traverse the Election of Species Requirement on the grounds that the generic claims are not so broad as to place an undue burden on the Patent Office to search and examine the full scope of the claims. Rather, Applicants respectfully assert that search and examination of the entire application could be conducted without undue burden on the Patent Office, thus avoiding delay and expense to Applicants.

Applicants further understand, however, that upon search, examination and allowance of the elected species, search and examination will continue as to the non-elected species within the scope of the generic claims.

For at least the above reasons, and in order to avoid unnecessary delay and expense to Applicants, and duplicative examination by the Patent Office, it is respectfully requested that the Restriction and Election of Species Requirements be reconsidered and withdrawn.

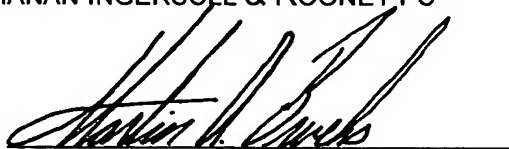
If there are any questions concerning this response or the application in general, Applicants invite the Examiner to telephone the undersigned at the Examiner's earliest convenience.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: October 26, 2006

By:



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